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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,010	12/31/2001	Sompong Paul Olarig	200304299-1	7506

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FORT COLLINS, CO 80527-2400

EXAMINER

CHERY, MARDOCHEE

ART UNIT	PAPER NUMBER
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2188

NOTIFICATION DATE	DELIVERY MODE
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05/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: SOMPONG PAUL OLARIG and PAMELA M. COOK

Application No. 10/039,010
Technology Center 2100

Mailed: May 14, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 30, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed December 09, 2008 under the heading "Grounds of rejection" is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of Rejection" in the Examiner's Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007) for details.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 32, 47 and 48 are rejected under 35 U.S.C. § 112 set forth on page 6 of the Non-Final Rejection and are not indicated in the Grounds of Rejection of the Examiner's Answer mailed December 09, 2008. Accordingly, clarification of the record as to whether this rejection is maintained or withdrawn by the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner:

Application No. 10/039,010

- 1) to vacate the Examiner's Answer mailed December 09, 2008;
- 2) to generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/sss

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